

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ORKIN, LLC, a Delaware limited
liability company,

Plaintiff,

v.

JOSEPH K. MALEK and DEBRA D.
MALEK, individually and the marital
community comprised thereof,

Defendants.

No. 4:14-CV-05065-SMJ

**ORDER DISMISSING CASE AND
ENTERING FINAL INJUNCTION**

On November 10, 2014, the parties filed a Joint Motion for Entry of Final Injunction and for Dismissal with Prejudice, ECF No. 11. The Court has considered all the submissions of the parties and the arguments of counsel. The Court is fully advised. Good cause exists to memorialize the parties' negotiated settlement by this Order. Consistent with the parties' agreement and Federal Rule of Civil Procedure 41(a), **IT IS HEREBY ORDERED:**

1. Until November 12, 2015, Mr. Malek is restrained and enjoined from soliciting business or work from any person or entity to whom Mr. Malek provided any service while he was employed by Orkin,

1 with the sole exception of persons related to Mr. Malek by
2 consanguinity or by marriage;

3 **2.** Until November 12, 2015, Mr. Malek is restrained and enjoined
4 from soliciting business or work from any person or entity to whom
5 Mr. Malek sold any service while he was employed by Orkin, with
6 the sole exception of persons related to Mr. Malek by consanguinity
7 or by marriage;

8 **3.** Until November 12, 2015, Mr. Malek is restrained and enjoined from
9 conducting any business, with or performing any work for, any
10 person or entity for whom Mr. Malek provided any service while he
11 was employed by Orkin, with the sole exception of persons related to
12 Mr. Malek by consanguinity or by marriage;

13 **4.** Until November 12, 2015, Mr. Malek is restrained and enjoined from
14 conducting any business with, or performing any work for, any
15 person or entity to whom Mr. Malek sold any service while he was
16 employed by Orkin, with the sole exception of persons related to Mr.
17 Malek by consanguinity or by marriage;

18 **5.** Until November 12, 2015, Mr. Malek will include with all of his
19 work orders a provision that requires verification by the
20 client/customer that he/she/it is not a former Orkin client/customer to

whom Mr. Malek provided or sold services while he was employed by Orkin, except that no such verification shall be required on work orders for persons related to Mr. Malek by consanguinity or by marriage;

6. Pursuant to *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994), the Court will retain jurisdiction over this matter until November 12, 2015 to enforce, should enforcement become necessary, this Order as well as the Parties' underlying settlement agreement.

7. The Parties' Joint Motion for Entry of Final Injunction and for Dismissal with Prejudice, **ECF No. 11**, is **GRANTED**.

8. All claims are **DISMISSED WITH PREJUDICE**, with all parties to bear their own costs and attorneys' fees.

9. All pending motions are **DENIED AS MOOT**.


10. All hearings and other deadlines are **STRICKEN**.

11. The Clerk's Office is directed to **CLOSE** this file, however, the parties have leave to file such matters as may be necessary for enforcement of this Order or the parties' underlying settlement agreement.

//

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel.

3 **DATED** this 13th day of November 2014.

4 
5 _____
6 SALVADOR MENDEZ, JR.
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20